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SUPREME COURT, U.S.

No. 79-6779

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1979

WALTER LITTLE,
Appellant

ORIGINAL COPY

v.

GLORIA STREATER,
Appellee

ON APPEAL FROM THE APPELLATE SESSION
OF THE SUPERIOR COURT OF CONNECTICUT

SUPPLEMENTAL BRIEF

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July 25, 1980

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Since the filing of the Jurisdictional Statement in this appeal, the May 18, 1980 decision of the Supreme Court of Appeals of West Virginia referred to in the Jurisdictional Statement at 7 n.7 and 9 n.8 has been published. State ex rel. Graves v. Daugherty, 266 S.E.2d. 142 (W.Va. 1980). Daugherty holds that the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States requires that "When a State grants the right to blood tests to a paternity defendant, that right cannot be made dependent upon his financial resources." 266 S.E.2d at 146.

Daugherty obviously adds to the virtually complete rejection of the Connecticut blood test rule by the courts and legislatures of this country. See Jurisdictional Statement at 7-10. The substantive arguments set forth in the Appellee's Motion To Dismiss Or Affirm have already been adequately addressed in the Jurisdictional Statement. It must be emphasized, however, that every state appellate court outside of Connecticut that has considered the issue has unanimously held that the denial of blood grouping tests to indigent defendants in paternity proceedings violates the Fourteenth Amendment. See Franklin v. District Court, 194 Colo. 189, 571 P.2d 1072 (1977); Commonwealth v. Possehl, 355 Mass. 575, 246 N.E.2d 667 (1969); Walker v. Stokes, 45 Ohio App. 2d 275, 344 N.E.2d 159 (1975); State ex rel. Graves v. Daugherty, supra. See generally Jurisdictional Statement at 9 n.8. In light of this widespread acceptance of Appellant's constitutional position, the question presented in this appeal can hardly be considered "so unsubstantial as not to need further argument." Motion To Dismiss Or Affirm at 1.

Respectfully submitted,

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